FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1886 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.P.B.Shah for the petitioner.

Mr.Sandeep Deshmukh for Respondents.

Mrs.M.H.Mhatre APP for the State.

Coram : R.S.Mohite,J

Date : 25.01.2006.

PC

1. This is a petition challenging the orders dated 2.7.2005 and 7.7.2005 rejecting an application for summoning witnesses. The order dated 2.7.2005 was passed on an application of the same date in which no witnesses were named at all. No fault can therefore, be found in the said order. Another application was made for summoning 2 witnesses. The first was Chief Officer of Vasai Nagar Parishad in order to prove the construction permission in respect of the house

and the 2nd witness is the manager of Basin Co-operative Bank in order to show that loan was taken. Both these witnesses may have been relevant at the stage of 125 proceedings. The proceedings before the Court are under Section 127 where the wife sought enhancement on the limited ground that the cost of living has gone up and requirements of her children have also grown. The witnesses sought to be summoned obviously have no relevance in 127 proceedings based on such prayers. Respondent no.1 will be at liberty to withdraw the amount of Rs.5000/- which is lying in this Court. Petition stands dismissed.

(R.S.Mohite,J)